

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

HELEN HAMILTON

FILED
MADISON COUNTY

PLAINTIFF

vs.

APR 14 2021

Cause No.

CE 2021-0079-JA

WAL-MART STORES EAST, LP and JOHN DOES 1-5

BY

ANDREA WRAY, CIRCUIT CLERK
[Signature] D.C.

DEFENDANTS

COMPLAINT
(Jury Trial Requested)

COMES NOW, the Plaintiff, Helen Hamilton, by and through the undersigned counsel and files this Complaint against the Defendants, Wal-Mart Stores East LP and John Does 1-5, and in support thereof, would show unto this Honorable court, the following, to wit:

I.) PARTIES

1. Plaintiff, Helen Hamilton, is an adult resident citizen of Hinds County, who resides at 6237 Fern Creek Drive, Jackson, Mississippi 39211.
2. Defendant, Wal-Mart Stores East, LP ("Wal-Mart") is a foreign limited partnership registered to conduct business in the State of Mississippi. Wal-Mart has appointed CT Corporation Systems as its registered agent for service of process and may be served at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
3. Defendants John Does 1-5 are persons and/or entities whose identifies are currently unknown to Plaintiff. These persons or entities can include, but are not limited to, any and all person who are liable to Plaintiff or the actions and/or inactions set forth below in this Complaint.

II.) JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter and the parties named in this Complaint.

EXHIBIT A

5. Venue is proper pursuant to Miss. Code Ann. § 11-11-3 because the acts and/or omissions giving rise to this cause of action took place in Madison County.

III.) FACTS

6. Plaintiff incorporates and restates by reference herein all allegations set forth above.

7. On or about May 4, 2018, the Plaintiff was shopping in the Wal-Mart store located at 815 South Wheatley Street, Ridgeland, Mississippi 39157.

8. On the date in question, Plaintiff was a business invitee of the Defendant, Wal-Mart.

9. While walking through Wal-Mart and exercising reasonable care for her own safety, Plaintiff turned a corner, slipped on an unknown substance that was spilled onto the floor, and fell to the ground.

10. As a result of the fall, the Plaintiff sustained bodily injuries, including, but not limited to, her neck, back, and shoulder; Plaintiff also suffered embarrassment and emotional distress.

11. The Plaintiff bears no responsibility for her fall nor her injuries, and did not, in any manner, cause said injuries or emotional distress to herself.

IV.) CLAIM OF NEGLIGENCE

12. Plaintiff incorporates and restates by reference herein all allegations set forth above.

13. Defendants owed the following duties to the Plaintiff:

- a. Duty to properly and adequately maintain and inspect the premises;

- b. Duty to warn of dangerous conditions; and
- c. Duty to provide a safe environment.

14. Defendants breached said duties by one or more of the following actions/inactions:

- a. Failure to properly and adequately maintain and inspect the premises;
- b. Failure to warn the Plaintiff of the dangerous condition; and
- c. Failure to provide a safe environment for Plaintiff.

15. The Defendants knew or should have known of the existence of the dangerous condition and the risks it posed to the Plaintiff.

16. The Defendants' negligence is the direct and proximate cause of the injuries sustained by the Plaintiff.

V.) DAMAGES

17. Plaintiff incorporates and restates by reference herein all allegations set forth above.

18. As a direct and proximate result of the Defendants' negligence, the Plaintiff suffered injuries and damages including, but not limited to the following:


- a. Past, present, and future medical bills and expenses;
- b. Past, present, and future pain and suffering; and
- c. Past, present, and future emotional distress.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Helen Hamilton, prays this Honorable Court will file this Complaint and deem it good and sufficient. Plaintiff further prays for a judgment against Defendants, jointly and severally, in an amount that will adequately

compensate Plaintiff for the injuries and damages she has sustained as a result of the Defendants' negligence. Plaintiff additionally prays that this Court will award her interest as permitted by law, costs of this suit, attorneys' fees, and expert witness fees. Lastly, Plaintiff prays for any and all equitable relief to which she may be entitled.

RESPECTFULLY SUBMITTED, this, the 14th day of April, 2021.

HELEN HAMILTON

BY: 
TONEY A. BALDWIN, MSB # 102161
CHARLES C. COLE, MSB # 105806
Attorneys for Plaintiff

OF COUNSEL:

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FEE BILL, CIVIL CASES, CIRCUIT COURT

State of Mississippi
Madison County

HELEN HAMILTON VS WAL-MART STORES EAST L,P.

Case #	CI-2021-0079	Acct #	Paid By	CHECK	Rct#	91728
			CV CLERK'S FEE	85.00		
			CV LAW LIBRARY	2.50		
			CV COURT REPORTER TAX	10.00		
			CV COURT EDUCATION	2.00		
			CV COURT ADMINISTRATOR	2.00		
			CV CIVIL LEGAL ASSISTANCE FUND	5.00		
			CV COMPREHENSIVE ELECTRONIC CT	10.00		
			CV JURY TAX	3.00		
			CV CONSTITUENTS FE	.50		
			CV RECORDS MANAGEMENT PROGRAM	1.00		
			CV-JUDICIAL SYS OPERATION FUND	40.00		

Total \$ 161.00

Payment received from TONEY BALDWIN & ASSOCIATES

Transaction 96154 Received 4/14/2021 at 16:43 Drawer 1 I.D. FMM

Current Balance Due \$0.00 Receipt Amount \$ 161.00

By _____ D.C. ANITA WRAY, Circuit Clerk

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